

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

V.

6.281 ACRES OF LAND, MORE OR  
LESS SITUATE IN STARR COUNTY,  
STATE OF TEXAS, *ET AL.*

*Defendants.*

§ § § § § § § § § § § § § §

CASE NO. 7:20-CV-011

**OPPOSED MOTION OF THE UNITED STATES OF AMERICA TO WITHDRAW THE  
MOTION FOR ORDER OF IMMEDIATE POSSESSION**

The United States of America (hereinafter “United States”) moves to withdraw its Motion for Order of Immediate Possession (Dkt. No. 19) without prejudice.

1. On March 13, 2020, the United States filed an Opposed Motion for Order of Immediate Possession (Dkt. No. 19).

2. On April 3, 2020, Defendant filed its opposition to the United States' motion for possession (Dkt. No. 27).

3. On January 20, 2021, President Joseph R. Biden, Jr. issued the Proclamation on the Termination of Emergency with Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction (Proclamation No. 10142, 86 Fed. Reg. 7225 (Jan. 27, 2021)). The Proclamation directed the United States to “pause work on each construction project on the southern border wall, to the extent permitted by law, as soon as possible but in no case later than seven days from the date of this proclamation.” *Id.* Further, the

Proclamation directed a plan to be developed no later than March 21, 2021 (60 days from the date of the Proclamation) for redirecting funding and repurposing contracts. *Id.*

4. In light of the Presidential Proclamation cited above, the United States requests the Court to withdraw its Motion for Order of Immediate Possession without prejudice in order for the plan to redirect funds and repurpose contracts to be developed as specified in the Presidential Proclamation.

5. The United States is working with the landowners to resolve this matter and will continue to do so.

#### **REQUESTED RELIEF**

The United States requests that this Court grant its Motion to Withdraw the Motion for Order of Immediate Possession (Dkt. No. 19) without prejudice to refile the same.

#### **CERTIFICATE OF CONFERENCE**

On February 12, 2021, the undersigned Assistant United States Attorney conferred with opposing counsel for Defendant Leonel Romeo Alvarez by email, and he is unopposed to the filing of this motion.

From February 9, 2021 to February 12, 2021, the undersigned Assistant United States Attorney conferred or attempted to confer with all known *pro se* Defendants by telephone.

The following *pro se* Defendants are unopposed to the filing of this motion: Reynaldo Lopez, Reynaldo Alvarez, Jr., Maricruz A. Zarate, Miracle Nichole Lopez, Tracey Monique Lopez, Elisabel Lopez, and Abel David Lopez.

The undersigned Assistant United States Attorney has been unable to make contact or receive a response from the following *pro se* Defendants: Jose I. Villarreal, Leticia L. Cruz, Jose Antonio Alvarez, Noe Villarreal, Norma Ruth Ozuna, Exiquio Raul Lopez, III, Lilliana Lopez, Eli

Rey Lopez, Maria Teresa Lopez, Migdalia Lopez, and Iris Lopez Garza despite attempts to contact them at their last known phone numbers.

Because the undersigned Assistant United States Attorney has been unable to make contact or receive a response from all remaining Defendants regarding their opposition at this time, this motion is opposed.

Respectfully submitted,

By: s/ Roland D. Ramos  
**ROLAND D. RAMOS**  
Assistant United States Attorney  
Southern District of Texas No. 3458120  
Texas Bar No. 24096362  
1701 W. Bus. Highway 83, Suite 600  
McAllen, TX 78501  
Telephone: (956) 618-8010  
Facsimile: (956) 618-8016  
E-mail: Roland.Ramos@usdoj.gov  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I, Roland D. Ramos, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on February 16-17, 2021, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

By: s/ Roland D. Ramos  
**ROLAND D. RAMOS**  
Assistant United States Attorney